

AMENDED IN SENATE JANUARY 12, 2012

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 764

Introduced by Senator Steinberg

February 18, 2011

An act to add Section 4686.21 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Steinberg. Developmental services: telehealth systems program.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities.

This bill would require the department to ~~establish the telehealth systems program to~~, *on a demonstration pilot project basis*, authorize a provider who is currently vendorized with a regional center to provide applied behavioral analysis (ABA) services, intensive behavioral intervention (IBI) services, or both, to provide these services through the use of telehealth systems (THS), as defined, *as part of a consumer's individual program plan* upon approval of a regional center *and the voluntary approval of the consumer or specified persons*.

It

The bill would also require the department, on this basis, to authorize a regional center to purchase ABA or IBI services provided through the use of THS as part of a consumer's individual program plan if the

consumer or specified persons voluntarily approve this use and the provider can demonstrate a potential benefit for the consumer or regional center, or both, through the use of THS and can establish that the services being provided comply with specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4686.21 is added to the Welfare and
2 Institutions Code, to read:
3 4686.21. (a) The State Department of Developmental Services
4 ~~shall establish the telehealth systems program. The program shall~~
5 ~~accomplish, on a demonstration pilot basis, do all of the following:~~
6 (1) Authorize a provider who is currently vendorized with a
7 regional center to provide applied behavioral analysis (ABA)
8 services, intensive behavioral intervention (IBI) services, or both,
9 to provide these services through the use of telehealth systems
10 (THS) *as part of a consumer's individual program plan* upon
11 approval of a regional center *and the voluntary approval of the*
12 *consumer, or where appropriate, his or her parents, legal*
13 *guardian, conservator, or authorized representative.*
14 (2) Authorize a regional center to purchase ABA or IBI services
15 *provided through the use of THS as part of a consumer's individual*
16 *program plan if both the consumer, or where appropriate, his or*
17 *her parents, legal guardian, conservator, or authorized*
18 *representative voluntarily approves this use of THS and if the*
19 *provider can demonstrate a potential benefit for the consumer or*
20 *regional center, or both, through the use of THS and can establish*
21 *that the services being provided are in compliance with at least all*
22 *of the following:*
23 (A) ABA and IBI program requirements in existence on the
24 effective date of this section.
25 (B) All requirements related to consumer privacy and
26 confidentiality.
27 (C) The requirements of this division.
28 (D) State and federal requirements with regards to the purchase
29 of regional center services.
30 (E) All federal funding participation guidelines and
31 requirements.

1 (F) *The consumer's individual program plan.*

2 (3) Require regional centers to consider the use of THS in the
3 implementation of parent training for autism ABA or behavior
4 intervention services as specified in clause (i) of subparagraph (B)
5 of paragraph (3) of subdivision (c) of Section 4685, or both.

6 (b) The department shall implement vendorization codes or
7 subcodes, or both, for all THS services and programs that apply
8 pursuant to this section.

9 (c) The provider shall be responsible for all expenses and costs
10 related to the equipment, transmission, storage, infrastructure, and
11 other expenses related to the THS.

12 (d) For purposes of this section, ~~“telehealth”~~ *the following*
13 *definitions shall apply:*

14 (1) *“Applied behavioral analysis” and “intensive behavioral*
15 *intervention” have the same meanings as provided in Section*
16 *4686.2.*

17 (2) *“Telehealth systems” means a mode of delivering services*
18 ~~*and that utilizes information that utilizes and communications*~~
19 ~~*technologies to enable facilitate the diagnosis, evaluation,*~~
20 ~~*consultation, and treatment, education, care management, supports,*~~
21 ~~*and self-management of individuals, and the provision of supports,*~~
22 ~~*self-management, and other appropriate services, including*~~
23 ~~*synchronous and asynchronous interactions, to individuals who*~~
24 ~~*are within the purview and responsibility of the regional center*~~
25 ~~*consumers, regardless of the location of the providers or individuals*~~
26 ~~*consumers. Telehealth systems also includes synchronous*~~
27 ~~*interactions and asynchronous store and forward transfers.*~~

28 (e) ~~For purposes of this section, “applied behavioral analysis”~~
29 ~~and “intensive behavioral intervention” have the same meanings~~
30 ~~as provided in Section 4686.2.~~